

ORDINANCE NO. 12-82

ORDINANCE REZONING PROPERTY FROM R-1 (ONE FAMILY DISTRICT) TO R-3 (MULTI-FAMILY DISTRICT) AND GRANTING A VARIANCE PERMIT TO ALLOW 10 PARKING SPACES, WHERE 12 PARKING SPACES ARE REQUIRED, CONTRA TO HIALEAH CODE § 98-2189(19)b. **PROPERTY LOCATED AT 465 EAST 7 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of October 24, 2012 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby rezoned from R-1 (One Family District) to R-3 (Multi-Family District) and is granted a variance permit to allow 10 parking spaces, where 12 parking spaces are required, contra to Hialeah Code § 98-1289(19)b, which provides in pertinent part: “*Medium and high density*. Two parking spaces for one or two bedrooms, and one-half parking space for each additional bedroom.” Property located at 465 East 7 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

THE EAST 80 FEET OF TRACT ONE OF BOUGAINVILLEA PARK, REVISED PLAT OF LOTS 21, 22, 23, 24, 25 AND 26 OF BLOCK 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGE 9, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FORMERLY KNOWN AS LOTS 25 AND 26 OF BLOCK 2 OF

BOUGAINVILLEA PARK, ACCORDING TO THE
PLAT THEREOF, AS RECORDED IN PLAT BOOK 9,
PAGE 140, OF THE PUBLIC RECORDS OF MIAMI-
DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

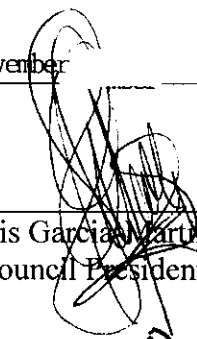
Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the

Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

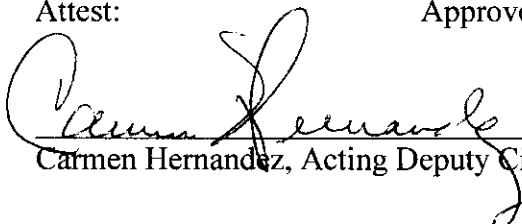
PASSED and ADOPTED this 27 day of November, 2012.

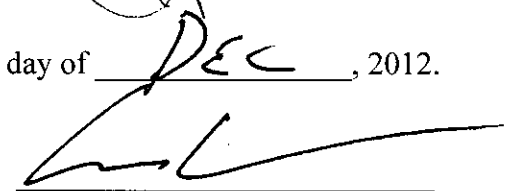
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Isis Garcia-Martinez
Council President

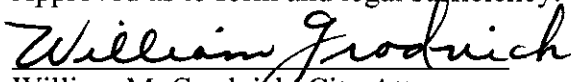
Attest:

Approved on this 3 day of Dec, 2012.


Carmen Hernandez, Acting Deputy City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".